

**VILLAGE OF HUNTLEY  
VILLAGE BOARD MEETING  
July 26, 2018  
MINUTES**

**CALL TO ORDER:**

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, July 26, 2018 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

**ATTENDANCE:**

**PRESENT:** Mayor Charles Sass; Trustees: Ronda Goldman, Tim Hoeft, Harry Leopold, John Piwko and JR Westberg.

**ABSENT:** Trustee Kanakaris

**IN ATTENDANCE:** Village Manager David Johnson, Assistant Village Manager Lisa Armour, Director of Development Services Charles Nordman, Director of Public Works and Engineering Tim Farrell, Village Clerk Rita McMahon and Village Attorney John Cowlin.

**PLEDGE OF ALLEGIANCE:** Mayor Sass led the Pledge of Allegiance.

**PUBLIC COMMENTS:**

Mr. Donald Formella addressed the Village Board regarding several of the agenda items. Mayor Sass thanked him for his time.

**ITEMS FOR DISCUSSION AND CONSIDERATION:**

- a) Consideration – Approval of the June 14, 2018 Village Board, June 28, 2018 Liquor Commission and June 28, 2018 Village Board Meeting Minutes

Mayor Sass asked if the Village Board had any comments or changes to the minutes; there were none.

**A MOTION was made to approve the June 14, 2018 Village Board, June 28, 2018 Liquor Commission and June 28, 2018 Village Board Meeting Minutes**

**MOTION: Trustee Goldman**  
**SECOND: Trustee Leopold**  
**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**  
**NAYS: None**  
**ABSENT: Trustee Kanakaris**  
**The motion carried: 5-0-1**

- b) Consideration – Approval of the July 26, 2018 Bill List in the amount of \$854,901.40

Mayor Sass asked if the Village Board had any comments or questions regarding the Bill List; there were none.

**A MOTION was made to approve the July 26, 2018 List in the amount of \$854,901.40**

**MOTION:** Trustee Piwko  
**SECOND:** Trustee Westberg  
**AYES:** Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg  
**NAYES:** None  
**ABSENT:** Kanakaris  
**The motion carried: 5-0-1**

- c) Consideration – A Resolution Approving a Temporary Use Permit to Hold an Outside Event on Village Property and Temporary Sign Request; Huntley High School Athletic Boosters/ RAIDERFest 2018

Village Manager David Johnson reported the Village received a request from the Huntley High School Athletic Boosters (Boosters) to hold RAIDERFest 2018 on Coral Street and the Town Square on Saturday, August 18, 2018 from 5:00 – 11:00 p.m. The event would be held in conjunction with Red Raider Red Black All Sports Night on Friday, August 17<sup>th</sup>.

The proposed event will include:

- 5:30pm A 45 minute performance by the Huntley High School Band in the Town Square
- 6:45-8:00pm Cascade Drive Band – Performing in Parkside Pub Beer Garden
- 8:15-9:30pm Talesky Band – Performing in the American Legion Honor Garden
- Dunk Tank Set up on Coral Street
- Baggo Game Set up on Coral Street

The Boosters would install a 20 foot x 20 foot tent on Coral Street at the close of the Farmers Market.

The Boosters are also requesting the issuance of a temporary sign permit to post two (2) weeks prior to the event, fifteen 3 foot x 10 foot banners at the following locations:

- 1) RT 47 and Reed Road
- 2) RT 47 and Algonquin Road
- 3) RT 47 and Mill Street
- 4) RT 47 and Del Webb Boulevard
- 5) RT 47 and Kreutzer Road
- 6) RT 47 and Dean St
- 7) RT 47 and Main Street
- 8) Algonquin Road and Haligus Road (E/B)
- 9) Algonquin Road and Haligus Road (W/B)
- 10) Huntley/Dundee Road and Haligus Road
- 11) Huntley/Dundee Road and Main Street
- 12) Reed Road and Haligus Road
- 13) Haligus Road and Main Street
- 14) Kreutzer Road and Main Street
- 15) Kreutzer Road and Haligus Road

*The Boosters acknowledge that some sites may not be under the Village's jurisdiction and others may not be feasible in the noted location. If these sites are not feasible, the petitioner requests permission for other sites with the approval of the Village Manager. No signs will be posted on private property without prior authorization of the property owner.*

Staff Analysis

The Zoning Ordinance allows temporary signs, which are subject to the following conditions: 1) not to exceed 30 days, 2) maximum size of 50 square feet and no more than 8 feet above ground, 3) not to be displayed on a fence or tree, and 4) not to be located in the rights-of-way. A variation from the Ordinance is required to locate the signs in the Village’s rights-of-way.

Recommended Conditions of Approval:

1. The petitioner and any vendor that they use shall provide the Village with a valid Certificate of Insurance naming the Village as an additional insured.
2. The petitioner agrees to enter into an agreement to indemnify and hold the Village harmless from and against any and all claims arising from the event.
3. The site shall be kept free of trash throughout the event.

Financial Impact

It is being requested that any permit fees associated with the RAIDERFest be waived.

Legal Analysis

None required.

Village Manager Johnson stated that the petitioner is in attendance to answer questions.

Mayor Sass asked if the Village Board had any comments or questions.

Trustee Westberg said he believed this was a great event and is pleased to see the school district engaging in the community. Mr. Jeff Jenkins, President of the Boosters Club agreed saying the fest will be a great event to welcome the students back to school including the parents and the community.

There were no other questions or comments.

**A MOTION was made to approve a Resolution Authorizing a Temporary Use Permit to Hold an Outside Event on Village Property and Temporary Sign Permit to Huntley High School Athletic Boosters for RAIDERFest 2018 subject to the following conditions:**

- 1. The petitioner shall provide the Village with a valid Certificate of Insurance naming the Village as an additional insured.**
- 2. The petitioner agrees to enter into an agreement to indemnify and hold the Village harmless from and against any and all claims arising from the event.**
- 3. The site shall be kept free of trash throughout the event.**

**MOTION: Trustee Leopold**

**SECOND: Trustee Hoeft**

**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**

**NAYS: None**

**ABSENT: Trustee Kanakaris**

**The motion carried: 5-0-1**

- d) Consideration – An Ordinance Approving (i) An Amendment to Chapter 156: Zoning Ordinance of the Village of Huntley Code of Ordinances to add Rural Event Venue to Section 156.011 Definitions and add Rural Event Venue as a Special Use to Section 156.026 RE-1 Residential Estate District; (ii) Special Use Permit for a Rural Event Venue in the RE-1 Residential Estate District; and (iii) Site Plan Review for proposed site

improvements to accommodate a Rural Event Venue within the subject property at 8401 Route 47

Director of Development Services Charles Nordman reported the petitioners, Chris and Barb Lincoln, are requesting to operate an event venue on a 2.75-acre farmstead located at 8401 Route 47. The petitioners purchased the property in October 2016 and proceeded to renovate the single-family home for their family. The petitioners have continued to clean-up the grounds and remove dilapidated structures with the intent of operating an event venue on the property.

Initially, the petitioners propose to renovate the existing farm outbuildings to use as venues for weddings, family reunions, corporate dinners, etc. with the plan to renovate the large barn to host similar events as a second phase. The first phase of the project would include the use of three covered paved area and grass/landscaped areas for smaller events. The second phase would consist of renovating the barn for hosting larger events such as wedding and receptions.

### STAFF ANALYSIS

#### *Text Amendments*

The subject property is zoned RE-1 Residential Estate District which does not allow the use of the property as an event venue as proposed by the petitioner. The proposed text amendment will add a definition for "Rural Event Venue" within Section 156.011 and also add "Rural Event Venue" as a Special Use to the RE-1 Residential Estate zoning district (Section 156.026(B)(2)).

The proposed definition for "Rural Event Venue" would restrict the use to RE-1 zoned properties that are no less than 2 ½ acres in size and would require that an owner occupied residence is located on the property. Specifically, the proposed definition reads as follows:

Rural Event Venue: A business that provides the use of land or buildings in the RE-1 Residential Estate District for hosting private events including wedding receptions, holiday parties, fundraisers and other similar events with food and beverages that are prepared on site or by a caterer and served to invited guests during intermittent dates and hours of operation. A Rural Event Venue shall include an owner occupied residence and shall have a minimum lot area of 2½ acres.

By amending the RE-1 Residential Estate District to add Rural Event Venue as Special Use, any request to operate a Rural Event Venue would be subject to review at a Plan Commission public hearing and approval by the Village Board.

#### *Site Plan Review*

The concept of the proposed rural event venue is to utilize the land and existing farm building to host events; therefore, the overall modifications to the existing site are minimal. The most notable change is to the site access. Currently there are two driveways serving the ±2.75-acre property and the petitioner is proposing to consolidate the driveways into one driveway which will be centered on the property's Route 47 frontage. The petitioner is currently working with the Illinois Department of Transportation to obtain the necessary permits for the modified driveway.

The largest of the existing structures is the dairy barn which is approximately 3,700 square feet in area. There are three additional buildings on the property that could be used to host events. These are located near the northwest corner of the property and include a frame building of approximately ±1,385 square

feet, a metal building of ±864 square feet, and a covered patio area. It is not anticipated that more than one event would be hosted on the property at any one time and events would most frequently occur on Saturdays.

Parking for the venue is proposed to be provided in open grass areas at the rear of the property and will be able to accommodate 70 vehicles. A portion of the parking at the southwest corner of the site is on the neighboring property for which the petitioner has received approval from the property owner. Furthermore, the petitioner is in discussions with the owner of the property to purchase the ±8,085 square feet of land. Parking attendants would provide guidance to the parking area and valet parking is also proposed to be provided for guests. Portable restrooms would be brought in for each event, although the main barn will include restrooms once renovated. The petitioners would continue to use the existing single-family home as their private residence.

If approved, the petitioners will begin work to permit the necessary improvements to bring the structures up to minimum building code requirements which would include, but not be limited to, fire suppression and compliance with the Illinois Accessibility Code. The petitioner will also be required to work with the McHenry County Health Department to obtain the necessary permits for any modifications required to the property's well and septic system. Staff notes, Section 150.150 of the Subdivision Ordinance does not require the property to connect to the Village's water because there is no public watermain within 250 feet of the site. Similarly, Section 150.110 of the Subdivision Ordinance allows the property to remain on a septic system because there is not a public sanitary sewer within 1,320 feet of the site. The nearest water and sanitary sewer connections are near Ackman Road which is approximately 2,950 feet away from the subject site.

#### *Required Relief*

The proposed site plan shall require the following relief from the Zoning Ordinance:

1. Section 156.106(C)(5) of the Zoning Ordinance requires all off-street parking areas to be improved with an impervious all weather, durable and dustless surface. The petitioners are requesting relief from this requirement to utilize an open grass area for parking and gravel driveway to access the parking.
2. Section 156.106(C)(6) of the Zoning Ordinance requires that all off-street parking areas shall be lighted with an average minimum illumination of two foot-candles. The petitioners are proposing to utilize a non-illuminated open grass area for parking and provide temporary lighting to illuminate the parking area when needed.

#### Village Board Conceptual Review

The Village Board conceptually reviewed plans for the proposed event venue on November 2, 2017, and provided the following questions and comments:

1. Would smoke detectors be installed in the barn? *The petitioner stated that a fire alarm and fire suppression system are required in the barn.*
2. It was stated that the existing driveways are too narrow to serve the venue and will make it difficult to enter the site. *The petitioner has submitted a permit application to IDOT to consolidate the two driveways into one wider driveway that is centrally located on the property's Route 47 frontage.*
3. It was stated that parking is preferred on gravel rather than on grass as proposed by the petitioner. *The petitioner is still proposing parking in the grass and a gravel driveway would provide access*

*to the parking area. The petitioner has stated that valet parking would be provided as an option for guests and parking attendants would direct guests into the parking area.*

4. What will be done with the silo? *The petitioner informed the Board that the silo would be removed and has since removed it.*

Following discussion, the Village Board referred the project to begin the formal development review process.

#### Plan Commission Recommendation

The Plan Commission conducted a public hearing to consider the petitioner's request on June 25, 2018, and, with no members of the public offering testimony in favor or opposition to the request, unanimously recommended approval of the petition by a vote of 7 to 0, subject to the following conditions:

1. All improvements must occur in full compliance with all applicable Village Municipal Services (Engineering, Public Works, Planning and Building), practices and permit requirements.
2. The petitioner is required to meet all development requirements of the Huntley Fire Protection District.
3. The petitioner is required to meet all development requirements of the McHenry County Health Department.
4. Illinois Department of Transportation approval shall be obtained for the modified access to Route 47.
5. No building plans or permits are approved as part of this submittal.
6. No sign permits are approved as part of this submittal.

#### Strategic Plan Priority

The 2016-2020 Strategic Plan identifies "*Promote New Business Development, Retention, and Expansion*" as a Strategic Priority, "*Attract and Retain Businesses to Enhance Tax Base and Create New Jobs*" as a goal.

#### Financial Impact

None.

#### Legal Analysis

None

Director of Development Services Nordman stated the petitioner, Chris and Barb Lincoln, is in attendance to answer questions.

Trustee Leopold questioned a turn lane into their property from Route 47. Director of Development Services Nordman stated the petitioner has submitted plans to IDOT for approval.

Trustee Goldman stated her concern for traffic entering and leaving the property safely and asked the

petitioners if they would consider hiring off duty police officers to help with events. The petitioner stated yes, but also believes that traffic is typically not as heavy at the end of an event since it is later in the evening.

Trustee Westberg asked if the pillars were staying by the driveways and why there were no plans to improve the parking lot area. The petitioner said the two outer pillars will be eliminated with the new combined driveway. The parking lot area is not being improved because they think the grassy area looks nice and is extremely costly to pave.

Trustee Westberg questioned if the barn is stable for events. Director of Development Services Nordman answered that the barn has been inspected and is stable for events. Trustee Westberg continued asking what will be done with the open field west of the barn and also the area on the northeast corner of the property where there are so many trees. The petitioner stated the area west of the barn will be used for outdoor events and weddings. The area with all the trees is being cleaned up and will be used as a landscape patio. The petitioner said the clean-up of that corner is taking a long time because they are doing the work themselves.

Trustee Goldman asked if there was a targeted opening date. The petitioner replied that it will be dependent somewhat on IDOT approval for the turn lanes, but they are hoping to be open by the fall of 2019.

Trustee Piwko asked what kind of signage they planned to have for the farm. The petitioner said mainly just a name on the barn; nothing too commercial because they are trying to keep it clean looking with a country feel.

Mayor Sass asked if the Village Board had any additional questions; there were none. The petitioners thanked the Village Board, Staff and particularly Director of Development Nordman for their assistance.

**A MOTION was made to approve an Ordinance for (i) An Amendment to Chapter 156: Zoning Ordinance of the Village of Huntley Code of Ordinances to add Rural Event Venue to Section 156.011 Definitions and add Rural Event Venue as a Special Use to Section 156.026 RE-1 Residential Estate District; (ii) Special Use Permit for a Rural Event Venue in the RE-1 Residential Estate District; and (iii) Site Plan Review for proposed site improvements to accommodate a Rural Event Venue within the subject property at 8401 Route 47.**

**MOTION: Trustee Piwko**  
**SECOND: Trustee Westberg**  
**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**  
**NAYS: None**  
**ABSENT: Trustee Kanakaris**  
**The motion carried: 5-0-1**

- e) Consideration – An Ordinance Approving a Special Use Permit for a Used Automobile Sales dealership in the “B-2” Highway Service District for Sardar Motors Inc. at 10501 Route 47

Director of Development Services Charles Nordman reported the petitioner, Omar Abdulrazzaq, has submitted a request to operate Sardar Motors Inc., a proposed used automobile dealership requiring a

Special Use Permit within the B-2 Highway Service District-zoned property at 10501 Route 47.

The proposed used automobile dealership will be located within the approximately 2,000 square foot showroom portion of the building which fronts on Route 47. The building is currently home to MB Garage which is an automotive service and repair center. MB Garage was issued a special use permit for automobile repair by the Village Board in June of 2008 and is located in the west/southwest portion of the building with parking in the south lot. Auto Crafters, an auto body repair facility, was previously located on the north side of the building/site. Auto Crafters ceased operations early this month and has vacated the building. In 2010, Route 47 Auto Sales received approval of a Special Use Permit for a used automobile sales dealership in the same lease space to be utilized by Sardar Motors. Route 47 Auto Sales ceased operations in 2013 and the special use permit for the dealership expired.

Sardar Motors is proposing to focus on lower end vehicles and display approximately 25 to 35 vehicles on the property. The proposed hours of operation are as follows:

|               |             |
|---------------|-------------|
| Monday-Friday | 9 AM – 9 PM |
| Saturday      | 9 AM – 6 PM |
| Sunday        | Closed      |

Signage for the dealership will be installed on the front (east) and side (south) elevations of the building within the existing sign band that was utilized by previous occupants of the building. No other site improvements are proposed as part of the petition.

#### STAFF ANALYSIS

There are sixty-eight (68) parking stalls within the southern parking lot to be shared between Sardar Motors and MB Garage. The 2,000 square foot used auto dealership lease space requires eight (8) stalls (4.0 spaces per 1,000 square feet) with Sardar Motors parking split between the twelve (12) auto inventory display parking spaces immediately adjacent to Route 47 and twenty-eight (28) additional spaces for a total of forty (40). Therefore, the remaining twenty-eight (28) spaces will be available for use by MB Garage.

The petitioner is required to repair, sealcoat and stripe the parking lot to define the parking spaces dedicated between MB Garage and Sardar Motors Inc. including used vehicle inventory display area, customer parking, and required handicap accessible spaces.

The width of the north-south drive aisle adjacent to Route 47 is too narrow (approximately 25 feet wide) to accommodate customer parking and/or automobile inventory display.

#### Plan Commission Recommendation

The Plan Commission conducted a public hearing to consider the petitioners' request on June 25, 2018, and, with no members of the public offering testimony in favor or opposition to the request, unanimously recommended approval of the petition by a vote of 7 to 0, subject to the following conditions:

1. The Special Use Permit cannot be transferred to another business without Village authorization.
2. All improvements must occur in full compliance with all applicable Village Municipal Services (Engineering, Public Works, Planning and Building), practices and permit requirements.
3. The petitioner is required to meet all development requirements of the Huntley Fire

Protection District.

4. A striping plan shall be revised to define parking for customers and required handicap accessible parking spaces.
5. The parking lot shall be repaired, sealcoated and striped in accordance with the striping plan, as approved by the Development Services Department, prior to the issuance of an occupancy permit for Sardar Motors.
6. All parking and vehicle storage must occur in designated parking spaces only. No parking is allowed in drive aisles. No storage is allowed on adjacent streets or off-site.
7. Sardar Motors Inc. vehicle inventory shall be restricted to the south parking lot, in accordance with the site plan submitted by the petitioner.
8. Outside vehicle display is restricted to vehicles available for sale by Sardar Motors Inc. Damaged, wrecked, or inoperable vehicles shall not be stored outside.
9. No vehicles shall be stored on the property with exception to vehicles displayed for sale by Sardar Motors Inc.
10. No vehicles sales shall occur on the property until Sardar Motors Inc. has provided the Village of Huntley with a copy of an approved used car dealer's sales license from the State of Illinois.
11. Vehicle sales shall be restricted to automobile, minivan, sport utility and light pick-up trucks only. No motor home, semi- or large-truck, trailer, or watercraft sales are permitted.
12. The raised planting bed along the front elevation of the building shall be repaired and maintained with seasonal plantings.
13. Any changes in use or site plan layout must be evaluated by the Village for compliance with the Special Use Permit.
14. No sign permits are approved as part of this request. Any proposed signage shall require the issuance of a sign permit prior to installation.
15. No building or occupancy permits will be issued until all provisions stated herein have been satisfied.
16. ***Apply for façade program assistance and complete all exterior improvements by August 1, 2019. (Added by Board of Trustees)***

#### Strategic Plan Priority

The 2016-2020 Strategic Plan identifies “*Promote New Business Development, Retention, and Expansion*” as a Strategic Priority, “*Attract and Retain Businesses to Enhance Tax Base and Create New Jobs*” as a goal.

#### Financial Impact

None.

#### Legal Analysis

None required.

Director of Development Services Nordman stated that the petitioners were in attendance to answer questions.

Mayor Sass asked if the Village Board had any comments or questions.

Trustee Piwko questioned if U-Haul vehicles are allowed. Director of Development Services Nordman stated that U-Haul trucks are permitted but will be moved to the rear of the lot by the fence.

Trustee Westberg asked about the price range of the vehicles and stated his concern for lower end vehicles to be on the lot. The petitioner, Mr. Omar Abdulrazzaq, stated only high-end vehicles like BMW's and Jeeps will be on the lot. Trustee Westberg stated the Route 47 / Algonquin Road corner is a marquis corner and wants to ensure the Village makes the most of this area. Trustee Westberg continued asking if the Village could place a five year cap on the special use permit. Mayor Sass answered stating the Village Board can always address the Special Use Permit if there is a problem. Trustee Westberg asked the petitioner if they intend on using any of the large flags or balloons for promotion. Mr. Abdulrazzaq said no. Village Manager Johnson added large promotional items are not allowed and would require Village Board approval.

Mayor Sass agreed with the importance of making this corner look impressive. The Mayor told the building owner that he would like to see the parking lot redone and also improve the outside façade. The owner said that he has designs prepared and agrees the façade needs improving. The owner added he would be willing to work with the Village to utilize the façade improvement program. Trustee Goldman stated she would like to see improvements done to the landscaping. Village Manager Johnson informed the Village Board that improving the aesthetics of the property and building could be included as a condition of approval including adding a time frame for completion of the beautification process. Trustee Leopold stated he would like the completion time frame to be before occupancy.

Trustee Leopold questioned condition of approval #11 if the term sport utility included ATV's. Director of Development Nordman said no; sport utility vehicles included mid to large size vehicles such as the Ford Escape, Chevy Equinox, etc.

Mayor Sass asked if there were any further questions or comments. Director of Development Services Nordman asked the Village Board for a time frame for the added condition of approval to improve the property and work with the façade improvement program. Trustee Hoeft stated the work should be completed within a year by August 1, 2019. The owner agreed with the time frame. Village Manager Johnson added the Special Use Permit would be revoked if the improvements were not done by August 1, 2019. There was an overall approval by the Village Board.

Mayor Sass asked if there were any other questions or comments; there were none.

1. **A MOTION was made to Approve an Ordinance for the Special Use Permit for a Used Automobile Sales dealership in the "B-2" Highway Service District to accommodate Sardar Motors Inc. within the building located at 10501 Route 47 and to include an additional condition of approval (#16) to Apply for façade program assistance and complete all exterior improvements by August 1, 2019.**

**MOTION: Trustee Hoeft**

**SECOND: Trustee Leopold**

**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**

**NAYS: None**

**ABSENT: Trustee Kanakaris**

**The motion carried: 5-0-1**

- f) Consideration – A Resolution Releasing a Letter of Credit for BBQ King Huntley, LLC located at 11708 Coral Street

Village Manager David Johnson reported that per the terms of the Redevelopment Agreement with BBQ King Huntley, LLC, approved via Ordinance (O) 2017-08.38, the developer/bank providing financing 07.26.18 VB Meeting

(Prairie Community Bank) provided an irrevocable Letter of Credit (LOC) in the Village's favor in the amount of \$1,010,000 (Building Shell Cost - \$918,125+10%) to ensure completion of the building shell in the event that the developer is unable to complete construction of the shell. The building shell has been completed and Prairie Community Bank is requesting a release of the remaining Letter of Credit amount.

Staff Analysis

The Village Board approved a reduction of the LOC on April 12, 2018. The current LOC amount is \$245,170. As the purpose of the LOC was to ensure completion of the building shell, there is no requirement for any maintenance LOC.

Financial Impact

None.

Legal Analysis

None required.

Mayor Sass asked if the Village Board had any comments or questions; there were none.

**A MOTION was made to approve a Resolution Releasing a Letter of Credit for the BBQ King Huntley, LLC located at 11708 Coral Street.**

**MOTION: Trustee Goldman**

**SECOND: Trustee Piwko**

**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**

**NAYS: None**

**ABSENT: Trustee Kanakaris**

**The motion carried: 5-0-1**

- g) Consideration – A Resolution Authorizing Payment of Reimbursement No. Three to BBQ King Huntley, LLC in Accordance with the Approved Redevelopment Agreement

Village Manager David Johnson reported that per the terms of the Redevelopment Agreement with BBQ King Huntley, LLC, approved via Ordinance (O) 2017-08.38, three reimbursements for eligible project costs were to be paid to the developer upon meeting key project milestones: \$50,000 to be paid within five days of closing (paid in September, 2017); \$50,000 to be paid upon completion of the Building Shell (restaurant and tenant spaces) as defined in the Redevelopment Agreement (paid in April), and the remaining payment to be paid if a temporary certificate of occupancy for the restaurant space was issued within either 195 calendar days of building commencement (\$75,000) or \$50,000 if no later than 270 calendar days after building commencement.

Staff Analysis

BBQ King Huntley, LLC met the 270 day timeframe and received a temporary certificate of occupancy on July 3rd and is therefore eligible for a reimbursement of \$50,000.

Financial Impact

The FY2018 Budget includes funding for the remaining reimbursements in the Downtown TIF Fund in line item 16-10-4-7720.

Legal Analysis

None required.

Mayor Sass asked if the Village Board had any comments or questions; there were none.

**A MOTION was made to approve a Resolution Authorizing Payment of Reimbursement No. Three to BBQ King Huntley, LLC in Accordance with the Approved Redevelopment Agreement.**

**MOTION: Trustee Leopold**

**SECOND: Trustee Piwko**

**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**

**NAYS: None**

**ABSENT: Trustee Kanakaris**

**The motion carried: 5-0-1**

h) Consideration – An Ordinance Accepting Public Improvements for Alden of Huntley, Lot 1

Mayor Sass stated the Village Board routinely accepts public improvements for ownership and maintenance once said improvements have been successfully constructed and inspected. The Village has received a request from Huntley Horizon Limited Partnership for acceptance of the Alden of Huntley, Lot 1 (Senior Living) public improvements along with release of the performance guarantee for said public improvements.

Staff Analysis

The public improvements punch lists generated by the Village and CBBEL have been successfully completed by Huntley Horizon. It is recommended that the Village accept the public improvements for the Huntley Horizon Senior Living Project and release the current performance guarantee as follows:

| <b>Project</b>               | <b>Current Performance LOC Amount</b>                | <b>Proposed Disposition</b> | <b>Value of Public Improvement</b> | <b>Maintenance Security Required (10% of the Value of Public Improvements)</b> |
|------------------------------|--|-----------------------------|------------------------------------|--|
| Lot 1<br>Alden of<br>Huntley | \$209,292.00<br>(amount includes<br>20% contingency) | Release                     | \$174,410.00                       | \$17,441.00  |

The current performance security may be released upon receipt of a two-year maintenance security in an amount not less than 10% of all public improvements. Public Improvement amount is \$174,410.00. Maintenance Security amount is \$17,441.00.

Financial Impact

All applicable escrow accounts shall be current prior to release of the performance bond.

Legal Analysis

Not required.

Mayor Sass asked if the Village Board had any comments or questions; there were none.

**A MOTION was made to an Ordinance Accepting Public Improvements for Lot 1, Alden of Huntley.**

**MOTION: Trustee Westberg**

**SECOND: Trustee Goldman**  
**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**  
**NAYS: None**  
**ABSENT: Trustee Kanakaris**  
**The motion carried: 5-0-1**

- i) Consideration – An Ordinance Accepting Public Improvements for Alden Estates and Alden Courts of Huntley, Alden of Huntley, Lot 2

Mayor Sass reported the Village Board routinely accepts public improvements for ownership and maintenance once said improvements have been successfully constructed and inspected. The Village has received a request from Alden Huntley Investments for acceptance of the Alden of Huntley, Lot 2 (Alden Estates and Alden Courts) public improvements along with release of the performance guarantee for said public improvements.

Staff Analysis

The public improvements punch lists generated by the Village and CBBEL have been successfully completed by Alden Huntley Investments. It is recommended that the Village accept the public improvements for the Alden Estates and Courts of Huntley Project and release the current performance guarantee as follows:

| <b>Project</b>                               | <b>Current Performance LOC Amount</b>                | <b>Proposed Disposition</b> | <b>Value of Public Improvement</b> | <b>Maintenance Security Required</b><br>(10% of the Value of Public Improvements) |
|--|--|-----------------------------|------------------------------------|---|
| Lot 2<br>Alden Estates and Courts of Huntley | \$408,267.00<br>(amount includes 20% in contingency) | Release                     | \$340,222.00                       | \$34,022.00   |

The current performance security may be released upon receipt of a two-year maintenance security in an amount not less than 10% of all public improvements. Public Improvement amount is \$340,222.00. Maintenance Security amount is \$34,022.00.

Financial Impact

All applicable escrow accounts shall be current prior to release of the performance bond.

Legal Analysis

Not required.

Mayor Sass asked if there were any questions or concerns; there were none.

**A MOTION was made to approve an Ordinance Accepting Public Improvements for Alden Estates and Alden Courts of Huntley, Alden of Huntley, Lot 2.**

**MOTION: Trustee Piwko**  
**SECOND: Trustee Leopold**  
**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**  
**NAYS: None**  
**ABSENT: Trustee Kanakaris**

**The motion carried: 5-0-1**

- j) Consideration – A Resolution Approving a Bid Award to Precision Pavement Markings, Inc. and Superior Road Striping Inc. to Complete Pavement Markings

Director of Public Works and Engineering Tim Farrell reported the Pavement Marking program concentrates on specific areas throughout the Village not targeted for repair through the MFT Program to better provide reasonable levels of pavement marking presence and retroelectivity. On April 12, 2018 the McHenry County Division of Transportation (MCDOT) received bids from five (5) contractors for the Municipal Partnering Initiative (MPI) Pavement Marking Program (Paint). And, on July 12, 2018 MCDOT received bids from four (4) contractors for Municipal Partnering Initiative (MPI) Pavement Marking Program (Thermoplastic). The MPI is a municipality-based buying initiative where communities join forces to procure a wide range of public services in an effort to tap economies of scale. MCDOT was the lead MPI entity for this project and prepared the necessary contract bid documents. The other three (3) participating communities for the Paint Pavement Markings included the Village of Huntley, the Village of Algonquin, and the City of McHenry. The other five (5) participating communities for the Thermoplastic Pavement Markings included the Village of Huntley, the Village of Algonquin, the City of McHenry, the Village of Cary, and the City of Crystal Lake.

The bid results for Paint Pavement Markings (2018) using the quantities from all four (4) participating municipalities are summarized as follows:

**PAINT**

|                                       |              |
|---------------------------------------|--------------|
| <i>Engineers Estimate</i>             | \$369,937.64 |
| Precision Pavement Marking, Inc.      | \$232,260.59 |
| Perform Traffic Control Systems, Inc. | \$254,301.24 |
| Countryman, Inc.                      | \$323,561.74 |
| Roadsafe Traffic Systems              | \$349,645.20 |
| Marking Specialists Corporation       | \$408,274.05 |

The bid results for Thermoplastic Pavement Markings (2018) using the quantities from all six (6) participating municipalities are summarized as follows:

**THERMOPLASTIC**

|                                  |              |
|----------------------------------|--------------|
| <i>Engineers Estimate</i>        | \$237,084.08 |
| Superior Road Striping, Inc.     | \$205,523.54 |
| Marking Specialists Corporation  | \$291,941.33 |
| Precision Pavement Marking, Inc. | \$328,722.15 |
| Maintenance Coatings Company     | \$355,827.40 |

Precision Pavement Marking, Inc. was the lowest responsible bidder for Pavement Markings (Paint) in the amount of \$232,260.59 (Bid Tab enclosed). Superior Road Striping, Inc. was the lowest responsible bidder for Pavement Markings (Thermoplastic) in the amount of \$205,523.54 (Bid Tab enclosed). Using only the Village of Huntley planned quantities, Precision Pavement Marking, Inc. remained the lowest

responsible bidder for Paint Pavement Markings and Superior Road Striping, Inc remained the lowest responsible bidder for Thermoplastic Pavement Markings in the combined amount of \$27,642.83 (Bid Tab enclosed). The 2018 program will consist of pavement marking removal and replacement identified in the target area. The target area is highlighted in the attached exhibit and includes:

- Kreutzer Road ( Haligus Road east to Village Limits)
- Huntley Dundee ( Haligus Road east to Village Limits)
- Dean Street (Mill Street to Route 47)
- Mill Street (Dean Street to Route 47)
- West Main (Route 47 to Village Limits)
- Route 47 & Main Street (Intersection east to Dwyer Street)

#### Staff Analysis

The bids have been reviewed by Staff and the Public Works & Engineering Department and all is in order for the Pavement Marking Program bids to be awarded to Precision Pavement Marking, Inc. from Elgin, IL for Paint Pavement Markings and Superior Road Striping, Inc. from Melrose Park, IL for Thermoplastic Pavement Markings.

#### Strategic Plan Priority

The 2016-2020 Strategic Plan identifies *Promote Sound Financial Management and Fiscal Sustainability* as a Strategic Priority, and “Enhance asset management program to sustain level of service at economical life cycle cost” as an objective.

#### Financial Impact

The FY 18 Budget includes \$35,000 for the Pavement Marking Program. The funding of this project is coming from the Street Improvement Fund, 04-10-4-7501.

#### Legal Analysis

None required.

Mayor Sass asked if the Village Board had any comments or questions; there were none.

**A MOTION was made to approve the Pavement Marking Program as follows:**

- A Resolution authorizing the Bid Award to Precision Pavement Marking, Inc. in the amount of \$2,081.28**
- A Resolution authorizing the Bid Award to Superior Road Striping, Inc. in the amount of \$25,561.55**

**MOTION: Trustee Leopold**

**SECOND: Trustee Hoeft**

**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**

**NAYS: None**

**ABSENT: Trustee Kanakaris**

**The motion carried: 5-0-1**

- Consideration – A Resolution Adopting Quality Based Selection (QBS) Policy and Procedures for Engineering Services

Director of Public Works and Engineering Tim Farrell stated for engineering agreements \$25,000 or greater which include federal funds, Local Planning Agencies (LPAs), such as the Village of Huntley,

are required to use Quality Based Selection (QBS) which is fully compliant with Federal requirements of 23 CFR 172 and the Brooks Act. As sub-grantees, LPAs must use competitive negotiation supported by qualification based selection procedures. This is the primary method of procurement for engineering and design related services using federal funding. Local preference or existing firm relationships can no longer be used as criteria to award engineering services for federally funded projects over the threshold amount.

#### Staff Analysis

On November 16, 2017, the Village Board authorized submittal of an Illinois Transportation Enhancement Program (ITEP) grant application for the Reed Road Multi-Use Path (MUP) between Vine Street and IL Route 47. Subsequently, the Village has been awarded an ITEP grant in the amount of \$192,000.00 for Phase II and Phase III engineering and construction of the MUP. The Village is targeting an April 2019 IDOT Bid Letting. To qualify for the letting, the Village must select a consultant and submit pre-final plans by November 16, 2018. The Village is required to adopt QBS Policy and Procedures for selecting an engineering consultant. IDOT has reviewed the attached draft document. Upon completion of the process, staff will submit the selected engineering consultant and an associated agreement for Village Board action at an upcoming meeting.

#### Strategic Plan Priority

The 2016-2020 Strategic Plan identifies *Promote Sound Financial Management and Fiscal Sustainability* as a strategic priority.

#### Financial Impact

The QBS Policy and Procedures will establish criteria for the Village compliance with federal small purchase procedures with respect to professional services. No financial impact at this time.

#### Legal Analysis

None Required.

Mayor Sass asked if there were any questions or concerns; there were none.

**A MOTION was made to approve a Resolution Adopting Quality Based Selection (QBS) Policy and Procedures for Engineering Services.**

**MOTION: Trustee Leopold**  
**SECOND: Trustee Hoeft**  
**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**  
**NAYS: None**  
**ABSENT: Trustee Kanakaris**  
**The motion carried: 5-0-1**

- 1) Consideration – Approval of Payout Request No. 5 in the amount of \$89,001.73 to Alliance Contractors, Inc. for 1<sup>st</sup> Street Parking Lot Improvements

Mayor Sass reported on July 27, 2017 the Village Board of Trustees awarded a contract for the 1<sup>st</sup> Street Parking Lot Improvements to Alliance Contractors, Inc. The revised contract amount is \$473,764. The project includes the parking lot improvements at 1<sup>st</sup> Street as well as resurfacing a portion of the parking lot at First Congregational Church to be used for overflow parking.

Alliance Contractors, Inc. has submitted a progress payment request for the 1<sup>st</sup> Street Parking Lot Improvements. Village staff and the Village’s project engineer, CBEL, has reviewed the request and all is in order for payout.

Staff Analysis

| <u>Pay Request</u> | <u>Total Completed Work</u> | <u>Retention</u> | <u>Previous Payments</u> | <u>Amount Requested</u> |
|--------------------|-----------------------------|------------------|--------------------------|-------------------------|
| #1                 | \$58,000.00                 | \$0.00           | \$0.00                   | \$58,000.00             |
| #2                 | \$88,979.00                 | \$4,448.95       | \$58,000.00              | \$26,530.05             |
| #3                 | \$173,982.95                | \$8,699.15       | \$84,530.05              | \$80,753.75             |
| #4                 | \$397,007.51                | \$19,850.38      | \$165,283.80             | \$211,873.33            |
| #5                 | \$470,867.54                | \$4,708.68       | \$377,157.13             | \$89,001.73             |

Financial Impact

A budget amendment that transferred funds from the Capital Projects Fund to the Downtown TIF Fund 16-10-2-6320 was previously approved for the project in 2017. A budget amendment carrying unexpended funds from FY2017 into FY2018 was approved on May 24, 2018 to cover these costs.

Legal Analysis

Not required.

Mayor Sass asked if there were any questions or concerns. Trustee Leopold asked if the project was complete. Mayor Sass replied that the project is done.

**A MOTION was made to approve a Payout Request No. 5 in the amount of \$89,001.73 to Alliance Contractors, Inc. for the 1st Street Parking Lot Improvements.**

**MOTION: Trustee Leopold**

**SECOND: Trustee Hoeft**

**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**

**NAYS: None**

**ABSENT: Trustee Kanakaris**

**The motion carried: 5-0-1**

- m) Consideration – Approval of Payout Request No. 8 in the Amount of \$181,079.50 to Independent Mechanical Industries, Inc. for Wastewater Treatment Facilities Upgrades Project

Mayor Sass reported on September 14, 2017 the Village Board of Trustees awarded a contract for the Wastewater Treatment Facilities Upgrades project to Independent Mechanical Industries, Inc. (IMI). The contract amount was \$2,940,000.00. IMI started working on November 13, 2017 and has submitted the eighth payout request for the project for work completed through June, 30, 2018. Village staff and the Village’s project engineer, EEI, has reviewed the request and all is in order for Village Board consideration.

Staff Analysis

| <u>Pay Request</u> | <u>Total Completed Work</u> | <u>Retention</u> | <u>Previous Payments</u> | <u>Amount Requested</u> |
|--------------------|-----------------------------|------------------|--------------------------|-------------------------|
| #1                 | \$65,000.00                 | \$6,500.00       | \$0.00                   | \$58,500.00             |
| #2                 | \$115,000.00                | \$11,500.00      | \$58,500.00              | \$45,000.00             |
| #3                 | \$225,500.00                | \$22,550.00      | \$103,500.00             | \$99,450.00             |
| #4                 | \$802,250.00                | \$80,225.00      | \$202,950.00             | \$519,075.00            |
| #5                 | \$1,407,950.00              | \$140,795.00     | \$722,025.00             | \$545,130.00            |
| #6                 | \$1,604,700.00              | \$160,470.00     | \$1,267,155.00           | \$177,075.00            |
| #7                 | \$2,055,580.00              | \$102,779.00     | \$1,444,230.00           | \$508,571.00            |
| #8                 | \$2,246,190.00              | \$112,309.50     | \$1,952,801.00           | \$181,079.50            |

Financial Impact

The FY2017 Budget included partial funding for the Wastewater Treatment Facility Upgrades in the amount of \$1,226,250.00 in the Sewer Capital Fund, 30-90-4-7500. The project carried over into FY2018. The project is funded by a \$3,000,000 debt issuance that was approved by the Village Board on August 24<sup>th</sup>.

Legal Analysis

Not required.

Mayor Sass asked if there were any questions or concerns; there were none.

**A MOTION was made to approve Payout Request No. 8 in the amount of \$181,079.50 to Independent Mechanical Industries, Inc. for the Wastewater Treatment Facilities Upgrades project.**

- MOTION: Trustee Leopold**
- SECOND: Trustee Hoeft**
- AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**
- NAYS: None**
- ABSENT: Trustee Kanakaris**
- The motion carried: 5-0-1**

- n) Consideration – An Ordinance Amending Title XV of the Village Code Regarding Regulations and Permitting of Small Wireless Facilities

Assistant Village Manager Lisa Armour reported Public Act 100-585 (the “Act”) was recently signed into law and took effect on June 1, 2018. The Act addresses regulations and restrictions relative to small wireless facility installations in Village rights-of-way and on private property. Municipalities have two months from the effective date to adopt an Ordinance governing small wireless facilities within the municipal boundaries. The Act significantly restricts the power of both home rule and non-home rule municipalities to regulate “small wireless facilities” that are collocated on a wireless support structure or utility pole (a pole used by a communication service provider or for electric distribution, lighting or traffic control) located: (i) in any right-of-way or (ii) on private property that is “zoned exclusively for commercial or industrial use” (collectively, “Covered Facilities”).

### Staff Analysis

The draft ordinance was prepared by Special Village Counsel, the Filippini Law Firm. The firm closely monitored the involvement and establishment of the Act. The draft is similar to the “model” ordinance provided by the Illinois Municipal League, and it cross-references certain existing Village regulations regarding utilities in Village rights-of-way.

The Ordinance establishes regulations for the siting collocation of small wireless facilities on rights-of-way within the Village and outside the rights-of-way on property zoned for commercial or industrial use. The following are important provisions of the new ordinance:

- A. Covered Small Wireless Facilities shall be deemed permitted uses subject to administrative review and not subject to zoning review or approval.
- B. Installation of a Covered Facility requires an application and permit from the Village.
- C. No Covered Wireless Facility shall extend more than 10 feet above the utility pole or wireless support structure.
- D. A new utility pole or support structure within a right-of-way shall not exceed the higher of 10 feet in height above the tallest utility pole in existence as of June 1, 2018 or 45 feet above ground level.
- E. Any new utility pole or wireless support structure located on private property outside the right-of-way shall not exceed 45 feet in height.
- F. A wireless provider’s operation of a Covered Facility shall not interfere with the frequencies used by a public safety agency for public safety communications.
- G. No signs may be installed on any Covered Facility or utility pole except for signs required by law.
- H. Design standards for the installation of a Covered Facility are included to address height above the adjacent grade, orientation of the facilities, and location setbacks for ground based enclosures.

### Financial Impact

The Act provides that the Village may not prohibit, regulate, or charge fees for Covered Facilities except as specifically authorized by the Act and home rule authority is preempted.

The Ordinance sets an application fee of \$650 for an application to collocate a single Covered Facility on an existing utility pole or wireless support structure and \$350 for each small wireless facility. Also an application fee of \$1,000 for each Covered Facility that includes the installation of a new utility pole or wireless support structure is included in the Ordinance.

In addition the Act defines utility poles as those “owned or contracted” by the Village and it sets an annual rental rate for use of such poles at \$200.

### Legal Analysis

The Village’s Special Counsel, the Filippini Law Firm prepared the draft ordinance.

Mayor Sass asked if there were any questions or concerns.

Trustee Piwko asked if the example in the pictures distributed showed a covered facility. Assistant Village Manager Armour said the pictures were of examples of facilities in other areas and yes the facility question is covered. Trustee Leopold asked what the benefit was of having these facilities and if the \$200 rental fee is a fixed rate or is it subject to increases. Assistant Village Manager Armour said the facilities would be to improve communication and provide for more data to users. She added the \$200 is the maximum by law. Trustee Westberg questioned the \$650 fee. Assistant Village Manager

Armour stated that the fee is for the application to place the facility or structure on an existing pole; then there is an additional \$350 fee for each small wireless facility. Trustee Westberg also asked if the Village could tell the applicants what type or size of facility to be used. Assistant Village Manager Armour replied that each application would be reviewed on a case by case basis.

Mayor Sass asked if there were any additional questions or comments. There were none.

**A MOTION was made to approve an Ordinance Amending Title XV of the Village Code Regarding Regulation and Permitting of Small Wireless Facilities.**

**MOTION: Trustee Leopold**  
**SECOND: Trustee Hoeft**  
**AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg**  
**NAYS: None**  
**ABSENT: Trustee Kanakaris**  
**The motion carried: 5-0-1**

**VILLAGE ATTORNEY'S REPORT:** None

**VILLAGE MANAGER'S REPORT:**

**VILLAGE PRESIDENT'S REPORT:** Mayor Sass reminded the Village Board the monthly McCOG dinner will be at the McHenry Country Club.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**EXECUTIVE SESSION:** None

**ADJOURNMENT:**

**There being no further items to discuss, a MOTION was made to adjourn the meeting at 8:06 p.m.**

**MOTION: Trustee Piwko**  
**SECOND: Trustee Westberg**  
**The Voice Vote noted all ayes and the motion carried.**

Respectfully submitted,

Rita McMahan  
Village Clerk